

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, September 11, 2002
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 28, 2002, and should indicate the agenda item to which they are applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, September 4, 2002 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 28, 2002.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of August 14, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Item 5 is considered a non-controversial issue. (NOTE: If there is public interest, concern or discussion regarding this consent item or a request for a public hearing, then the item will be removed from consent and considered after all other agenda items have been completed)

5. Waste Discharge Requirements Rescission:
 - A. Pete Verboom Dairy No. 1, San Diego County, Order No. 95-14;
 - B. Pete Verboom Dairy No. 2, San Diego County, Order No. 95-65.
 (Tentative Order No. R9-2002-208) (*Whitney Ghoram*)

Remainder of the Agenda (Non-Consent Items):

6. **PUBLIC HEARING:** Proposed Consent Decree establishing a deadline for the International Boundary and Water Commission, United States Section to select, and initiate implementation of, a strategy to provide secondary treatment for wastewater from the International Wastewater Treatment Plant (IWTP), San Diego County. The proposed Consent Decree, if approved, would be entered as settlement of litigation brought to enforce requirements of the federal Clean Water Act and orders of the Regional Board in *People of the State of California, Ex Rel. California Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al.*..., United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS). Following the hearing, the Regional Board will hold a closed session on the advice of its Counsel to deliberate about the proposed consent decree and any comments received. The Regional Board will decide in the closed session whether or not to approve the proposed Consent Decree and ask the Court to enter it in settlement of the litigation. (*David Hanson*)
7. NPDES Permit: U.S. Navy Point Loma Complex: An NPDES permit regulating industrial storm water and point source discharges of wastes to San Diego Bay from various activities, including ship repair, pier boom cleaning and aquatic animal training. Testimony regarding this tentative Order was heard during the August 14, 2002, Regional Board meeting. The oral and written comment period is closed and no further testimony will be accepted. The tentative Order and errata sheet will be considered for adoption at this meeting. (Tentative Order No. R9-2002-0002, NPDES Permit No. CA0109363) (*Paul J. Richter*)

8. **PUBLIC HEARING:** Administrative Civil Liability with Mandatory Penalties against Manchester Resorts - Hyatt Hotel Expansion Construction Dewatering, San Diego, CA for Violation of Order No. 2000-90, NPDES Permit No. CAG919001. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0293) (*Sherrie Komeylyan*)
9. **PUBLIC HEARING** (continued): Complaint No. R9-2002-0053 for Administrative Assessment of Civil Liability against Mr. Ernest Moretti, owner of the former Santa Ysabel Chevron station, for noncompliance with California Water Code section 13267. (Tentative Order No. R9-2002-0085) (*Barry Pulver*)
10. **A. PUBLIC HEARING:** Administrative Assessment for Civil Liability against Castillo & Sons, A&E Auto Recycling for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0284) (*Vicente Rodriguez*)

B. PUBLIC HEARING: Administrative Assessment for Civil Liability against Carlsbad Business Park, LLC for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0285) (*Vicente Rodriguez*)

C. PUBLIC HEARING: Administrative Assessment for Civil Liability against Kemper Insurance Company for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0286) (*Vicente Rodriguez*)

D. PUBLIC HEARING: Administrative Assessment for Civil Liability against TMP Homes for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0287) (*Vicente Rodriguez*)

E. PUBLIC HEARING: Administrative Assessment for Civil Liability against Pacific Bell for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0288) (*Vicente Rodriguez*)

F. PUBLIC HEARING: Administrative Assessment for Civil Liability against Richmond American Homes (41500 Margarita Road, Escondido) for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0289) (*Vicente Rodriguez*)

G. PUBLIC HEARING: Administrative Assessment for Civil Liability against Richmond American Homes (Butterfield Stage Road, Temecula) for failure to pay storm water annual fees in violation of California Water Code section 13260. If the discharger elects to waive their right

to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0290) (*Vicente Rodriguez*)

11. **PUBLIC HEARING:** Basin Plan Amendment - Modify and reissue the Regional Board's Waiver Policy (tentative Order No. R9-2002-0186) (*Christina Arias*)
12. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al., United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.; San Diego County Superior Court; Case No. GIC 7890263.

Schutte and Koerting Inc. and Ametek Inc. (Ketema) (Petitioners) v. the California Regional Water Quality Control Board, San Diego Region (Respondent), Case No. GIC 772197.
13. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
14. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
16. Arrangements for Next Meeting and Adjournment
Wednesday, October 9, 2002 - 9:00 a.m.
Rancho California Water District
District Board Room
42135 Winchester Road
Temecula, California

Notifications

- A. Corrective Action Plan for Leaking Underground Fuel Tank Site 1561 at the U.S. Marine Corps Base Camp Pendleton. On April 10, 2001, staff received a Final Corrective Action Plan evaluating the need for additional corrective action at the leaking underground fuel tank site 1561

(the Site). Corrective actions include excavation of fuel tank, surrounding contaminated soils and regular ground water monitoring. No further action is recommended at the site based on evaluation of the interim corrective actions, risk to human health and the environment, and remedy cost-effectiveness. The case files, site investigation reports and the CAP are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification. *(Laurie Walsh)*

B. 30-day Public Notice of Settlement of Civil Liability:

On August 1, 2002, the Executive Officer issued Complaint No. R9-2002-0206, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$39,000, against the City of Coronado for violation of effluent limits established by Order No. 2000-90, for the discharge from the Glorietta Bay Pump Station Construction Dewatering facility. On August 20, 2002, the City of Coronado waived its right to a hearing, settled in full payment of the assessment of civil liability proposed in the Complaint.

This notice has been posted on the Regional Board web site since August 26, 2002 and has been mailed out as part of the Agenda on August 23, 2002. The 30-day comment period begins August 26, 2002 and ends on September 26, 2002. Interested parties may comment on the settlement of this matter. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M Thursday, September 26, 2002. For a copy of the Complaint or more information regarding this matter, please contact Sherrie Komeylyan at (858) 467-2734 or komec@rb9.swrcb.ca.gov or see the Regional Board's web site.

C. 30-day Public Notice of Settlement of Civil Liability:

On August 2, 2002, the Executive Officer issued Complaint No. R9-2002-0196, Administrative Assessment for Civil Liability in the amount of \$570, against Paolone Brothers Investments for failure to pay storm water annual fees in violation of California Water Code section 13260. On August 14, 2002 Paolone Brothers Investments waived its right to a hearing, admitted the violations, accepting the full assessment of civil liability proposed in the Complaint.

This notice has been posted on the Regional Board web site since August 26, 2002 and has been mailed out as part of the Agenda on August 23, 2002. The 30-day comment period begins August 26, 2002 and ends on September 26, 2002. Interested parties may comment on the settlement of this matter. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M Thursday, September 26, 2002. For a copy of the Complaint or more information regarding this matter, please contact Vicente Rodriguez at (858) 627-3940 or rodrv@swrcb.ca.gov or see the Regional Board's web site.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>